

SCHEDULE IV—*concl'd.*

PART II.—BY STATE GOVERNMENT.

Powers with which a Sub-divisional Magistrate may be invested.

1. Power to call for records, section 435.

Powers with which any other Executive Magistrate may be invested.

1. Power to make orders prohibiting repetitions of nuisances, section 143 ;
2. Power to make orders under section 144 ;
3. Power to make orders, etc., in possession cases, sections 145 and 147 ;
4. Power to record statements and confessions during a police investigation, section 164 ;
5. Power to hold inquest, section 174 ;
6. Power to sell property alleged or suspected to have been stolen, etc., section 524 ;

¹[Powers with which a Taluka Magistrate may be invested.

Power to require security to keep the peace, section 107.]

BY DISTRICT MAGISTRATE.

Powers with which any Executive Magistrate may be invested.

1. Power to make orders prohibiting repetitions of nuisances, section 143 ;
2. Power to make orders under section 144 ;
3. Power to hold inquests, section 174.]

SCHEDULE V.

(See section ²[555].)

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(See section 68.)

To _____ of _____

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (or by pleader, *as the case may be*) before the (*Magistrate*)

of _____, on the _____ day
of _____ . Herein fail not.

Dated this _____ day of _____
(Seal.)

, 19 .
(Signature.)

¹ Inserted by Bom. 34 of 1953, s. 11 (2).

² Substituted by the Amending Act, 1903 (I of 1903), Sch. II, Pt. II, for "554".

SCHEDULE V—*contd.*

II.—WARRANT OF ARREST.

(See section 75.)

To (name and designation of the person or persons who is or are to execute the warrant).

WHEREAS of stands charged with the offence of (state the offence), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of 19
(Seal) (Signature)

(See section 76.)

This warrant may be endorsed as follows :—

If the said shall give bail himself in the sum of , with one surety in the sum of (or two sureties each in the sum of) to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 19 .
(Signature)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(See section 86.)

I, (name) of , being brought before the District Magistrate of (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next, to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to [Government] 2* * * the sum of rupees

Dated this day of 19
(Signature)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I bind myself to forfeit to [Government] 2* * * the sum of rupees

Dated this day of 19
(Signature)

¹ Substituted by the A. O. 1950 for "Her Majesty the Queen".

² The words "Empress of India" rep. by the A. O. 1948.

SCHEDULE V—*contd.*

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 87.)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found, and whereas it has been shown to my satisfaction that the said (*name*) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court or before me to answer the said complaint [on the day of].

Dated this day of , 19 .
(Seal) (Signature)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(See section 87.)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (or is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant):

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock to be examined touching the offence complained of.

Dated this day of , 19 .
(Seal) (Signature)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(See section 88.)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court

¹ Substituted by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "within days from this date".

SCHEDULE V—*contd.*

and it has been returned to the said warrant that it cannot be served ; and whereas it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*) : and thereupon a ¹[Proclamation has been or is being duly issued] and published requiring the said to appear and give evidence at the time and place mentioned therein, 2* * *

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 19 .

(Seal)

(Signature)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON
ACCUSED.

(See section 88)

To (*name and designation of the person or persons who is or are to execute the warrant.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section of the Indian Penal Code; and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a ¹[Proclamation has been or is being duly issued] and published requiring the said to appear to answer the said charge within days ; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or town*) of , in the District of , viz., and an order has been made for the attachment thereof ;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 19 .

(Seal)

(Signature)

¹ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "Proclamation was duly issued".

² The words "and he has failed to appear" rep. by s. 162, *ibid.*

SCHEDULE V—*contd.*

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(See section 88.)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*) and thereupon a ¹[Proclamation has been or is being duly issued] and published requiring the said _____ to appear to answer the said charge within _____ days, 2* * *; and whereas the said _____ is possessed of certain land paying revenue to Government in the village (*or town*) of _____ in the District of _____

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this _____ day of _____, 19 .

(Seal)

(Signature)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(See section 90).

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that _____ of _____ has (*or is suspected to have*) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (*name*), and on the _____ day of _____ to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this _____ day of _____, 19 .

(Seal)

(Signature)

¹ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "Proclamation was duly issued".

² The words "but he has not appeared" rep. by s. 162, *ibid*.

SCHEDULE V—*contd.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(See section 96.)

To *(name and designation of the Police-officer or other person or persons who is or are to execute the warrant)*.

WHEREAS information has been laid *(or complaint has been made)* before me of the commission *(or suspected commission)* of the offence of *(mention the offence concisely)*, and it has been made to appear to me that the production of *(specify the thing clearly)* is essential to the inquiry now being made *(or about to be made)* into the said offence *(or suspected offence)*;

This is to authorize and require you to search for the said *(the thing specified)* in the *(describe the house or place or part thereof to which the search is to be confined)* and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it immediately upon its execution.

Given under my hand and the seal of the Court, this

day of

, 19

(Seal)

(Signature)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(See section 98.)

To *(name and designation of a Police-officer above the rank of a Constable)*.

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the *(describe the house or other place)* is used as a place for the deposit *(or sale)* of stolen property *(or if either of the other purposes expressed in the section, state the purpose in the words of the section)*;

This is to authorize and require you to enter the said house *(or other place)* with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house *(or other place)* *or if the search is to be confined to a part specify the part clearly* and to seize and take possession of any property *(or documents, or stamps, or seals, or coins, [or obscene objects], as the case may be)*—*[Add (when the case requires it) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coin (as the case may be)]*, and forthwith to bring before this Court such of the said things as may be taken possession of returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of

, 19

(Seal)

(Signature)

SCHEDULE V—*contd.*

X.—BOND TO KEEP THE PEACE.

(See section 107).

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to keep the peace for the term of ¹[or until the completion of the inquiry in the matter of] now pending in the Court of ,] I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term ¹[or until the completion of the said inquiry] and, in case of my making default therein, I hereby bind myself to forfeit to ²[Government] ³* * the sum of rupees

Dated this day of , 19 .
(Signature) .

XI.—BOND FOR GOOD BEHAVIOUR.

(See sections 108, 109 and 110).

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to be of good behaviour to ⁴[Government and all the citizens of India] for the term of (state the period) ⁵ or until the completion of the inquiry in the matter of now pending in the Court of ,] I hereby bind myself to be of good behaviour to ⁴[Government and all the citizens of India] during the said term ⁵[or until the completion of the said inquiry]; and, in case of my making default therein, I bind myself to forfeit to ⁶[Government] the sum of rupees.

Dated this day of , 19 .
(Signature).

(Where a bond with sureties is to be executed, add)—We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to ⁴[Government and all the citizens of India] during the said term ⁵[or until the completion of the said inquiry]; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to ⁶[Government] the sum of rupees

Dated this day of , 19 .
(Signature)

¹ Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162.

² Substituted by the A. O. 1950 for "Her Majesty the Queen".

³ The words "Empress of India" rep. by the A.O. 1948.

⁴ Substituted by the A.O. 1950 for "Her Majesty the Queen and to all Her subjects".

⁵ Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162.

⁶ Substituted by the A. O. 1950 for "Her Majesty".

SCHEDULE V—*contd.*

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(See section 114).

To

of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorized agent*) at the Office of the Magistrate of _____ on the _____ day of 19____, at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees _____ [*when sureties are required, add, and also to give security by the bond of one (or two, as the case may be) surety (or sureties) in the sum of rupees _____ (each if more than one)*] that you will keep the peace for the term of _____

Given under my hand and the seal of the Court, this _____ day of _____, 19____.

(Seal)

(Signature)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(See section 123.)

To the Superintendent (*or Keeper*) of the Jail at _____

WHEREAS (*name and address*) appeared before me in person (*or by his authorized agent*) on the _____ day of _____ in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees _____ with one surety (*or a bond with two sureties each in rupees _____*), that he, the said (*name*), would keep the peace for the period of _____ months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you, the said Superintendent (*or Keeper*), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime ¹[be lawfully ordered to be released] and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 19____.

(Seal)

(Signature)

¹ Substituted by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "comply with the said order by himself and his surety (or sureties), entering into the said bond, in which case the same shall be received and the said (*name*) released".

SCHEDULE V—*contd.*XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY
FOR GOOD BEHAVIOUR.

(See section 123.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of _____ having no ostensible means of subsistence (or, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is an habitual robber (or house-breaker, etc., as the case may be);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees _____, and the said surety (or each of the said sureties) for rupees _____, and the said (*name*) has failed to comply with the said order and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime ¹[be lawfully ordered to be released] and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of

19 _____
(Seal)

(Signature)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE
TO GIVE SECURITY.

(See sections 123 and 124.)

To the Superintendent (or Keeper) of the Jail at _____ or other
officer in whose custody the person is).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of the Court, dated the _____ day of _____ and has since duly given security under section _____ of the Code of Criminal Procedure:

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this _____ day of

19 _____
(Seal)

(Signature)

¹ Substituted by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "comply with the said order by himself and his surety (or sureties), entering into the said bond, in which case the same shall be received and the said (*name*) released".

SCHEDULE V—*contd.*

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

*(See section 133).*To *(name, description and address).*

WHEREAS it has been made to appear to me that you have caused an obstruction (or nuisance) to persons using the public roadway (or other public place) which etc. *(describe the road or public place)*, by etc. *(state what it is that causes the obstruction or nuisance)*, and that such obstruction (or nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner or manager, the trade or occupation of *(state the particular trade or occupation and the place where it is carried on)*, and that same is injurious to the public health (or comfort) by reason *(state briefly in what manner the injurious effects are caused)* and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (or are in possession of or have the control over) a certain tank (or well or excavation) adjacent to the public way *(describe the thoroughfare)*, and that the safety of the public is endangered by reason of the said tank (or well or excavation) being without a fence (or insecurely fenced);

or

WHEREAS, etc., etc. *(as the case may be)*;

I do hereby direct and require you within *(state the time allowed)* to *(state what is required to be done to abate the nuisance)* or to appear at _____ in the Court of _____ on the _____ day of _____ next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within *(state the time allowed)* to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, etc.;

or

I do hereby direct and require you within *(state the time allowed)* to put up a sufficient fence *(state the kind of fence and the part to be fenced)*; or to appear, etc.;

or

I do hereby direct and require you, etc., etc. *(as the case may be)*.

Given under my hand and the seal of the Court, this

day of

SCHEDULE V—*contd.*

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(See section 138.)

WHEREAS on the day of 19 , an order was issued, to (name) requiring him (*state the effect of the order*), and whereas the said (name) has applied to me, by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, etc., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of 19 .

(Seal)

(Signature)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(See section 140.)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*), on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of 19 .

(Seal)

(Signature)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(See section 142.)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of 19 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of 19 .

(Seal)

(Signature)

SCHEDULE V—*contd.*

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC.,
OF A NUISANCE.

(See section 143.)

To (name, description and address).

WHEREAS it has been made to appear to me that, etc. (state the proper recital, guided by Form No. XVI or Form No. XXI, as the case may be);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc. (as the case may be).

Given under my hand and the seal of the Court, this day of
19 .

(Seal)

(Signature)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.

(See section 144.)

To (name, description and address).

WHEREAS it has been made to appear to me that you are in possession (or have the management) of (*describe clearly the property*), and that in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or -

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public street, etc., (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, etc., etc. (as the case may be);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road:

DT

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (or as the case recited may require).

Given under my hand and the seal of the Court, this
19 .

day of

(Seal)

(Signature)

SCHEDULE V—*contd.*XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETURN
POSSESSION OF LAND, ETC., IN DISPUTE.

(See section 145.)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*), situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claim as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true;

I do decide and declare that he is (*or they are*) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and so strictly forbid any disturbance of his (*or their*) possession in the meantime.

Given under my hand and the seal of the Court, this

day of

19

(Seal)

(Signature)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE
POSSESSION OF LAND, ETC.

(See section 146.)

To the police-officer in charge of the Police-station at
Collector of]

[or, To the

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

SCHEDULE V—*contd.*

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of
19 .

(Seal)

(Signature)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER.

(See section 147.)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or water*) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or water*) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*) and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say "during the last of the seasons at which the same is capable of being enjoyed"*);

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or retain*) possession of the said land (*or water*) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or they*) shall obtain the decree or order of a competent Court adjudging him (*or them*) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this _____ day of
19 .

(Seal)

(Signature)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(See section 169.)

I, (*name*), of _____, being charged with the offence of _____ and after inquiry required to appear before the Magistrate of _____

or

and after inquiry called upon to enter into my own recognizance to appear where required, do hereby bind myself to appear at _____, in the Court of _____, on the _____ day of _____

next (*or on such day as I may hereafter be required to attend*) to answer further to the said charge, and, in case my making default herein, I bind myself to forfeit to [Government] * * * the sum of rupees _____

Dated this _____ day of _____, 19 .
(Signature)

¹ Substituted by the A.O., 1950, for "Her Majesty the Queen".

² The words "Empress of India" rep. by the A.O., 1948.

SCHEDULE V—*contd.*

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for the abovesaid _____ that he shall attend at _____, in the Court of _____, on the _____ day of _____ next (or on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (or we hereby bind ourselves) to forfeit to ¹[Government] 2* * * the sum of rupees—

Dated this _____ day of _____, 19 .
(Signature)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(See section 170.)

I, (name), of (place), do hereby bind myself to attend at _____ in the Court of _____ at _____ o'clock on the _____ day of _____ next and then and there to prosecute (or to prosecute and give evidence) (or to give evidence) in the matter of a charge of _____ against one A. B., and, in case of making default herein, I bind myself to forfeit to ¹[Government] 2* * * the sum of rupees

Dated this _____ day of _____, 19 .
(Signature)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(See section 218.)

THE Magistrate of _____ hereby gives notice that he has committed one _____ for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, etc. (state the offence as in the charge).

Dated this _____ day of _____, 19 .
(Signature)

XXVIII.—CHARGES.

(See sections 221, 222, 223.)

(I) CHARGES WITH ONE HEAD.

(a) I, [name and office of Magistrate, etc.], hereby charge you [name of accused person] as follows:—

(b) that you, on or about the _____ day of _____, at _____, waged war against ¹[the Government of India] 2* * * and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session 3* * * * *

(c) And I hereby direct that you be tried by the Court on the said charge.

[Signature and seal of the Magistrate.]

¹ Substituted by the A.O. 1950, for "Her Majesty the Queen".

² The word "Empress of India" rep. by the A.O., 1948.

³ The brackets and words "[when the charge is framed by a Presidency Magistrate, for Court of Session, substitute High Court]" were deleted by Bom. 30 of 1948, s. 28.

SCHEDULE V—*contd.*

[To be substituted for (b)]:—

(2) That you, on or about the _____ day of _____, at _____, with the intention of inducing the Hon'ble A. B., Member of the _____ Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(3) That you, being a public servant in the _____ Department, directly accepted from [state the name], for another party [state the name] a gratification other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(4) That you, on or about the _____ day of _____, at _____, did [or omitted to do, as the case may be] such conduct being contrary to the provisions of Act _____, section _____, and known by you to be prejudicial to _____, and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(5) That you, on or about the _____ day of _____, at _____, in the course of the trial of _____ before _____, stated in evidence that " _____ " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(6) That you, on or about the _____ day of _____, at _____, committed culpable homicide not amounting to murder, causing the death of _____, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(7) That you, on or about the _____ day of _____, at _____, abetted the commission of suicide by A. B., a person in a state of intoxication and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(8) That you, on or about the _____ day of _____, at _____, voluntarily caused grievous hurt to _____, and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(9) That you, on or about the _____ day of _____, at _____, robbed [state the name], and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(10) That you, on or about the _____ day of _____, at _____, committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[In cases tried by Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session," and in (c) omit "by the said Court."]

SCHEDULE V—*contd.*

(II) CHARGES WITH TWO OR MORE HEADS.

(a) I, [name and office of Magistrate, etc.], hereby charge you [name of accused person] as follows :—

On section
241.

(b) *First.*—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit attempted to induce another person, by name A. B., to receive it as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(c) And I hereby direct that you be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

[To be substituted for (b)] :—

On sections
302 and 304.

(2) *First.*—That you, on or about the _____ day of _____, at _____, committed murder by causing the death of _____ and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the _____ day of _____, at _____, by causing the death of _____, committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

On sections
379 and 382.

(3) *First.*—That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation of causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Thirdly.—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Fourthly.—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

SCHEDULE V—*contd.*

(4) That you, on or about the _____ day of _____, at _____, in the course of the inquiry into _____, before _____, stated in evidence that “ _____ ”, and that you, on or about the _____ day of _____, at _____, in the course of the trial of _____, before _____, stated in the evidence that “ _____ ”, one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[In cases tried by Magistrates substitute “within my cognizance” for “within the cognizance of the Court of Session” and in (c) omit “by the said Court”.]

(III) CHARGE FOR THEFT AFTER PREVIOUS CONVICTION.

I, (name and office of Magistrate, etc.), hereby charge you (name of accused person) as follows:—

That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court Magistrate, as the case may be].

And you, the said (name of accused), stand further charged that you, before the committing of the said offence, that is to say, on the _____ day of _____, had been convicted by the (state Court by which conviction was had) at _____ of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (describe the offence in the words used in the section under which the accused was convicted), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, etc.

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(See sections 245 and 258.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS on the _____ day of _____ 19____, (name of prisoner) the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar for 19____, was convicted before me (name and official designation) of the offence of (mention the offence or offences concisely) under section (or sections) _____ of the Indian Penal Code (or of Act _____), and was sentenced to (state the punishment fully and distinctly);

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said, (prisoner's name) into your custody in the said Jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this _____ day of _____

(Seal)

(Signature)

SCHEDULE V—*contd.***XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY**
¹[ATTACHMENT AND SALE].*(See section 250.)*

To the Superintendent (or Keeper) of the Jail at

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*) and the same has been dismissed as ²[false and] frivolous (*or vexatious*), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amend; and whereas the said sum has not been paid ³* * * and an order has been made for his simple imprisonment in Jail for the period of days, unless the aforesaid sum be sooner paid ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of

19

*(Seal)**(Signature)***XXXI.—SUMMONS TO WITNESS.***(See sections 69 and 252.)*

To of

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*state the offence concisely with time and place*), and it appears to me that you are likely to give material evidence for the prosecution ;

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court ; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of

19

*(Seal)**(Signature)*

¹ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "Distress".

² Inserted by s. 162, *ibid.*

³ The words "and cannot be recovered by distress of the moveable property of the said (*name of complainant*)" rep. by s. 162, *ibid.*

SCHEDULE V—*contd.*XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO
SUMMON JURORS. ^{1**}

(See section 326.)

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of Jurors ^{1**} furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 a.m. on the said date, and, within such date, to certify that you have done so in pursuance of this precept..

(Here enter the names of Jurors ^{1**})

Given under my hand and the seal of the Court, this
day of 19 .

(Seal)

(Signature)

XXXIII.—SUMMONS TO ^{2**} JUROR.

(See section 328).

To (name) of (place).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as ^{3**} a Juror at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (place) at ten o'clock in the forenoon on the day of next.

Given under my hand and the seal of office, this
day of 19 .

(Seal)

(Signature)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(See section 374.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at the Session held before me on the day of 19 , (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (prisoner's name) into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this
19 .

day of

(Seal)

(Signature)

¹ The words " and Assessor " were deleted by Act 26 of 1955, s. 115(a).² The words " Assessor or " were deleted, *ibid*, s. 115(b).³ The words " an Assessor or " were deleted, *ibid*, s. 115 (b).

SCHEDULE V—*contd.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(See section 381.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS (name of prisoner), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. _____ of the Calendar at the Session held before me on the day of 19 _____, has been by a warrant of this Court, dated the day of _____, committed to your custody under sentence of death; and whereas the order of the _____ Court of _____ confirming the said sentence has been received by this Court;

This is to authorize and require you, the said Superintendent (or Keeper), to carry the said sentence into execution by causing the said _____ to be hanged by the neck until he be dead, at (time and place of execution), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this _____ day of 19 _____
(Seal) _____ (Signature)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(See sections 381 and 382.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at a Session held on the _____ day of _____ (name of prisoner), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. _____ of the Calendar at the said Session, was convicted of the offence of _____ punishable under section _____ of the Indian Penal Code, and sentenced to _____, and was thereupon committed to your custody; and whereas by the order of the _____ Court of _____ (a duplicate of which is herewith annexed) the punishment adjudged by the said sentence has been commuted to the punishment of ¹[imprisonment for life] (or *as the case may be*);

This is to authorize and require you, the said Superintendent (or Keeper), safely to keep the said (prisoner's name) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of ²[imprisonment for life] under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words, "custody in the said Jail", "and there to carry into execution the punishment of imprisonment under the said order according to law".

Given under my hand and the seal of the Court, this _____ day of 19 _____
(Seal) _____ (Signature)

¹ Substituted by Act 26 of 1955, s. 115 (c) (i), for "transportation for life".

² Substituted, *ibid*, s. 115 (c) (ii), for "transportation".

SCHEDULE V—*contd.*XXXVII.—WARRANT TO LEVY A FINE BY ¹[ATTACHMENT] AND SALE.(See section-386 ²[(1) (a)].)

To (name and description of the Police-officer or other person or persons who is or are to execute the warrant).

WHEREAS (name and description of the offender) was on the day of 19, convicted before me of the offence of (mention the offence concisely), and sentenced to pay a fine of rupees; and whereas the said (name), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to ³[attach any] moveable property belonging to the said (name) which may be found within the district of; and, if within (state the number of days or hours allowed) next after ⁴[such attachment] the said sum shall not be paid (or forthwith), to sell the moveable ⁵[property attached], or so much thereof as shall, be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this 19 day of (Seal) (Signature)

*[XXXVIIA.—BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE.

(See section 388.)

WHEREAS I, (name), inhabitant of (place), have been sentenced to pay a fine of rupees and in default of payment thereof to undergo imprisonment for; and whereas the Court has been pleased to order my release ⁷* * * on condition of my executing a bond for my appearance ⁸[on the following date (or dates) namely:—];

I hereby bind myself to appear before the Court of at o'clock ⁹[on the following date (or dates) namely:—] and in case of making default herein, I bind myself to forfeit to ⁹[Government] ¹⁰* * * the sum of rupees

Dated this day of 19 (Signature)

¹ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "Distress".

² Inserted by s. 162, *ibid.*

³ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "make distress by seizure of any".

⁴ Substituted by s. 162, *ibid.*, for "such distress".

⁵ Substituted by s. 162, *ibid.*, for "property distrained".

⁶ Form XXXVIIA ins. by s. 162, *ibid.*

⁷ The words "until the day of Procedure (Second Amendment) Act, 1923 (37 of 1923), s. 5.

⁸ Substituted by s. 5, *ibid.*, for "on that day", "on the said next" and "on the day of

⁹ Substituted by the A. O. 1950 for "His Majesty the King".

¹⁰ The words "Emperor of India" rep. by the A. O. 1948.

" rep. by the Code of Criminal

day of next."

SCHEDULE V—*contd.*

Where a bond with sureties is to be executed, add—

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of ¹[on the following date (or dates) namely :—] and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to ²[Government] ³* * * the sum of rupees

(Signature)

**XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT
WHEN A FINE IS IMPOSED.**

(See section 480.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at a Court holden before me on this day (name and description of the offender) in the presence (or view) of the Court committed wilful contempt;

And whereas for such contempt the said (name of offender) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (state the number of months or days);

This is to authorize and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of offender) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment), unless the said fine be sooner paid; and, on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of

19 .

(Seal)

(Signature)

**XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS
REFUSING TO ANSWER.**

(See section 485.)

To (name and description of officer of Court).

WHEREAS (name and description), being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (term of detention adjudged);

This is to authorize and require you to take the said (name) into custody, and him safely to keep in your custody for the space of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of

19 .

(Seal)

(Signature)

¹ Substituted by Act 37 of 1923. s. 5, for "on that day", "on the said day of next" and "on the day of next".

² Substituted by the A.O., 1950, for "His Majesty the King".

³ The words "Emperor of India" rep. by the A.O. 1948.

SCHEDULE V—*contd.*

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(See section 488).

To the Superintendent (or Keeper) of the Jail at

WHEREAS (name, description and address) has been proved before me to be possessed of sufficient means to maintain his wife (name) [or his child (name,) who is by reason of (state the reason) unable to maintain herself (or himself)] and to have neglected (or refused) to do so, and an order has been duly made requiring the said (name) to allow to his said wife (or child) for maintenance the monthly sum of rupees : and whereas it has been further proved that the said, (name) in wilful disregard of the said order has failed to pay rupees being the amount of the allowance for the month (or months) of . And thereupon an order was made adjudging him to undergo simple (or rigorous imprisonment in the said Jail for the period of

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody in the said Jail, together with this warrant, and there carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of

19

(Seal)

(Signature)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY ¹[ATTACHMENT] AND SALE.

(See section 488.)

To (name and designation of the Police-officer or other person to execute the warrant).

Whereas an order has been duly made requiring (name) to allow to his said wife (or child) for maintenance the monthly sum of rupees , and whereas the said (name) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (or months) of ;

This is to authorize and require you to ²[attach any] moveable property belonging to the said (name) which may be found within the district of , and if within (state the number of days or hours allowed) next after ³[such attachment] the said sum shall not be paid (or forthwith), to sell the moveable ⁴[property attached], or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of

19

(Seal)

(Signature)

¹ Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 162, for "distress".

² Substituted by s. 162, *ibid.*, for "make distress by seizure of any".

³ Substituted by s. 162, *ibid.*, for "such distress".

⁴ Substituted by s. 162, *ibid.*, for "property distrained".

SCHEDULE V—*contd.*XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE
A MAGISTRATE.*(See sections 496 and 499).*

I, *(name)* of *(place)*, being brought before the Magistrate of *(as the case may be)* charged with the offence of _____, and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and, should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit ¼[Government] 2* * * * the sum of rupees

Dated this _____ day of _____ 19 _____

(Signature)

I hereby declare myself *(or We jointly and severally declare ourselves and each of us)* surety *(or sureties)* for the said *(name)* that he shall attend at the Court of _____ on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him and, in case of his making default therein, I bind myself *(or we bind ourselves)* to forfeit to ¼[Government] 2* * * the sum of rupees

Dated this _____ day of _____ 19 _____

*(Signature)*XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO
GIVE SECURITY.*(See section 500.)*

To the Superintendent *(or Keeper)* of the Jail at _____

(or other officer in whose custody the person is).

WHEREAS *(name and description of prisoner)* was committed to your custody under warrant of this Court, dated the _____ day of _____ and has since with his surety *(or sureties)* duly executed a bond under section 499 of the Code of Criminal Procedure;

This is to authorize and require you forthwith to discharge the said *(name)* from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this _____ day of _____ 19 _____

*(Seal)**(Signature)*

¹ Substituted by the A. O. 1950 for "Her Majesty the Queen".

² The words "Empress of India" rep. by A. O. 1948.

SCHEDULE V—*contd.*

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(See section 514.)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to ¹[Government] 2 * * * the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the district of _____, by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of

19 .

(Seal)

(Signature)

XLV.—NOTICE TO SURETY OF BREACH OF A BOND.

(See section 514.)

To _____ of _____

WHEREAS on the _____ day of _____ 19____, you became surety for (*name*) of (*place*) that he should appear before this Court on the _____ day of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to ¹[Government] 2 * * * and whereas the said (*name*) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees _____;

You are hereby required to pay the said penalty or show cause, within _____ days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this _____ day of

19 .

(Seal)

(Signature)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514.)

To _____ of _____

WHEREAS on the _____ day of _____ 19____, you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to ¹[Government] 2 * * *;

¹ Substituted by the A.O. 1950 for "Her Majesty the Queen".

² The words "Empress of India" rep. by the A. O. 1943.

SCHEDULE V—*contd.*

whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of rupees _____, or to show cause within _____ days why it should not be paid.

Given under my hand and the seal of the Court, this _____ day of _____

19 .

(Seal)

(Signature)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(See section 514).

To _____ of _____

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to ¹[Government] 2* * * the sum of rupees _____ (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the district of _____, by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of _____

19 .

(Seal)

(Signature)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(See section 514.)

To the Superintendent (or Keeper) of the Civil Jail at _____

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*) and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to ¹[Government] 2* * *; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (or Keeper) to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of _____

19 .

(Seal)

(Signature)

¹ Substituted by the A.O. 1950 for "Her Majesty the Queen".

² The words "Empress of India" rep. by the A. O. 1948.

SCHEDULE V—*contd.*

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(See section 514.)

To (name, description and address).

WHEREAS on the _____ day 19____, you entered into a bond not to commit, etc. (as in the bond), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees _____, or to show cause before me within _____ days why payment of the same should not be enforced against you.

Dated this _____ day of _____ 19____.

(Seal)

(Signature)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514.)

To (name and designation of Police-officer), at the Police-station of _____

WHEREAS (name and description) did, on the _____ day of _____ 19____, enter into a bond for the sum of rupees _____ binding himself not to commit a breach of the peace, etc. (as in the bond), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (name) calling upon to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure moveable property belonging to the said (name) to the value of rupees _____ which you may find within the district of _____, and, if the said sum be not paid within _____, to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of _____ 19____.

(Seal)

(Signature)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514.)

To the Superintendent (or Keeper) of the Civil Jail at _____

WHEREAS proof has been given before me and duly recorded that (name and description) has committed a breach of the bond entered into by him to keep the peace; whereby he has forfeited to [Government] * * * the sum of rupees _____; and whereas the said (name) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorize and require you, the said Superintendent (or Keeper) of the said Civil Jail, to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of

¹Substituted by the A.O. 1950 for "Her Majesty the Queen".²The words "Empress of India" rep. by the A.O. 1946.

SCHEDULE V—*conold.*

imprisonment), and to return that warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of
19 .

(Seal)

(Signature)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND
FOR GOOD BEHAVIOUR.

(See section 514.)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did, on the _____ day
of 19 , give security by bond in the sum of rupees
for the good behaviour of (*name, etc., of the principal*), and proof has been given
before me and duly recorded of the commission by the said (*name*) of the offence
of _____ whereby the said bond has been forfeited; and whereas notice
has been given to the said (*name*) calling upon him to show cause why the said sum
should not be paid; and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property
belonging to the said (*name*) to the value of rupees _____ which you may
find within the district of _____, and, if the said sum be not paid within
_____, to sell the property so attached, or so much of it as may be
sufficient to realise the same, and to make return of what you have done under this
warrant immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of
19 .

(Seal)

(Signature)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD
BEHAVIOUR.

(See section 514.)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did, on the _____ day
of 19 , give security by bond in the sum of rupees _____ for
the good behaviour of (*name, etc., of the principal*) and proof of the breach of the
said bond has been given before me and duly recorded, whereby the said (*name*) has
forfeited to ¹[Government] ²* * * the sum of rupees _____
and whereas he has failed to pay the said sum or to show cause why the said sum
should not be paid although duly called upon to do so, and payment thereof cannot
be enforced by attachment of his moveable property, and an order has been made
for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of*
imprisonment);

This is to authorize and require you, the Superintendent (or Keeper), to receive
the said (*name*) into your custody, together with this warrant, and him safely to
keep in the said Jail for the said period of (*term of imprisonment*), returning this
warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of
19 .

(Seal)

(Signature)

¹ Substituted by the A.O. 1950 for "Her Majesty the Queen".

² The words "Empress of India" rep. by the A. O. 1948.